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Convention on the Elimination of All Forms of Discrimination against Women

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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the fifth periodic report of Fiji

Addendum

Replies of Fiji*

[Date received: 4 January 2018]

Note: The present document is being circulated in English, French and Spanish only.

* The present document is being issued without formal editing.

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Introduction

1. This document is in response to issues raised by the UN CEDAW Committee contained in a document dated 28 July 2017 and referenced as follows: CEDAW/C/FJI/Q/5. An annex of statistical information has been submitted with this report along with a list of stakeholders that contributed to Fiji's CEDAW Responses.

2. All relevant stakeholders were consulted including State Agencies, Judicial and Legal Institutions, Disciplined Forces, and the Fiji Human Rights and Anti-Discrimination Commission were involved in preparing this document. A one-day CEDAW Response Validation Workshop was conducted by the Ministry of Women, Children and Poverty Alleviation ('Ministry') on 15 November 2017 consisting of various stakeholders who attended the workshop while others provided written responses.

Constitutional, Legislative and Institutional Framework

Paragraph 1

Definition of discrimination

3. s.26 (3) of the Constitution outlines various grounds on which unfair discrimination is prohibited. Furthermore, section 26 (7) of the Constitution provides the definition of discrimination. If any person considers their constitutional rights have been breached by any agency, the person can make a complaint to the Human Rights and Anti-Discrimination Commission or file a constitutional redress application in the High Court of Fiji for a judge to adjudicate on the matter accordingly. These legislations therefore provide comprehensive legal protection against direct and indirect discrimination against women and all Fijians.[1]

Multiple and Intersectional Discrimination

4. s.26 (3) (a) and (b) of the Constitution as stated in above provides protection from discrimination on the basis of inter alia gender, sexual orientation, gender identity and expression. These provisions are also mirrored in the Fijian Employment Law. Therefore, the Constitution and the Employment Relations Act 2007 recognizes and prohibits multiple and intersectional discrimination.

Procedures for effective implementation, Monitoring and Enforcement of anti-discrimination legislation

5. Effective implementation, monitoring and enforcement is done through the following ways:

a. Judicial process where Constitutional Redress or Employment cases are adjudicated;

b. Implementation of national policies such as the National Gender Policy;

c. Anti-discrimination legislation is also implemented through various civil service reforms which include an open merit recruitment system and ensuring fair pay for all workers;

[1] Solicitor General's Office, Responses to CEDAW Issues, 2017.

d. The legal mandate of the Fiji Human Rights and Anti-Discrimination Commission.

6. The High Court of Fiji has applied the Convention in the following cases, amongst others:

1. *NK and ZMR* [2009] FJHC 95; Case No. 0089.2009 (2 April 2009);

2. *FJN and MRK* [2009] FJHC 94; HBM004.2009L (1 April 2009);

3. *TZS and FSB* [2009] FJHC 97; File No 0163.2009 (3 April 2009).

4. *State v Bechu* [1999] FJMC 3; Criminal Case No 0079 of 1994 (2 December 1999)

Paragraph 2

By-Laws

7. We request that the Committee provide the list of laws that are considered discriminatory as the statement "*some legislative provisions which are discriminatory vis-à-vis women remains valid*" is ambiguous.

8. Whilst consultations on Village By-Laws did begin, this process has yet to finish and consultations have been put on hold as the finalization of the By-laws is no longer a priority of the Ministry of iTaukei Affairs. Any discussions on the topic therefore, would be moot.[2]

Paragraph 3

Human Rights and Anti-Discrimination Commission (Commission)

- Established under section 45 of the Constitution;
- Administered through the Human Rights Commission Act 2009;
- Has the responsibility to monitor, receive, investigate and report on the observance of human rights in all spheres of life, and take steps to secure appropriate redress where rights are breached, including making applications to court for redress or for other forms of relief or remedies; the Commission may also investigate and research on its own initiative or on the basis of a complaint, any human rights matter, and make recommendations accordingly.[3]
- Section 12(1)(d), (j) and (k) of the Human Rights Act sets out, inter alia, the powers and duties of the Commission.
- s.45(4)(a)-(h) of the Constitution outlines the Commission's role.
- s.45(11) of the Constitution mandates Parliament to ensure that adequate funding and resources are made available to the Commission, to enable it to independently and effectively exercise its powers and perform its functions and duties.[4]

[2] Footnote 4

[3] The Government of Fiji, Section 45-The Constitution of The Republic of the Fiji Islands, 2013, pp. 41–42.

[4] Footnote 7, pp. 41, 43.

Women Human Rights Defenders

Paragraph 4

Women Human Rights Defenders

9. Public Order (Amendment) Act 2012, the requirement of a permit for meetings and processions for 3 persons or more, is a law that has remained unchanged in Fiji since 1969. The requirement for permits for such meetings and processions is not unique to Fiji.[5]

10. Grounds for revocation of a permit include, amongst others, the utterance of hate speeches, statements that incite racial antagonism or those which promote feelings of enmity amongst different communities. Before granting a permit, the issuing authority should be satisfied that the meeting or procession is not likely to prejudice the maintenance of peace and good order.

11. Media Industry Development Act 2009 — A free, responsible, accountable and robust media is critical in fostering a culture of deep and deliberative democracy. To ensure accountability and transparency, the Media Industry Development Act 2010 provides for an independent media tribunal, presided over by a High Court Judge, to adjudicate on breaches of media codes or matters relating to media disputes. It is prudent to note there has been no prosecution of any media organization of breaches of the code of ethics, or of media content. Thus the media operating in Fiji are free to report any matters of interest and media organizations in Fiji are operating without restrictions.[6]

Legislation to address Violence and Harassment for Human Right Defenders

- s.11 of the Constitution;
- Crimes Act 2009 provides for various offences in relation to assault against all Fijians. Some of which are:
    - Section 209: Assault with intent to commit rape;
    - Section 210; Sexual Assault
    - Section 212: Indecent Assault
    - Section 274: Common Assault
    - Section 275: Assault causing actual bodily harm
    - Section 277: Serious Assaults[7]

National Machinery for the Advancement of Women

Paragraph 5

Gender Impact Assessments of new legislation and policies

12. The Parliament Standing Orders ensure that gender issues are mainstreamed in the legislative processes. Standing Order 110-(2) provides that where a committee conducts an activity, the committee shall ensure that full consideration will be given

[5] The Government of Fiji, Section 8 — Public Order (Amendment) Act 2012.
[6] The Government of Fiji, Media Industry Development 2009 Act.
[7] The Government of Fiji, Sections 209, 210, 212, 274, 275, 277 — Crimes Act 2009.

to the principle of gender equality so as to ensure all matters are considered with regard to the impact and benefit on both men and women equally.[8] The National Gender Policy remains the responsibility of all ministries whilst the coordination of its implementation lies with the Ministry in partnership with the Department of National Planning across all line ministries. The Ministry was able to establish a network of Gender Focal Point Officers from 22 ministries within Government to address issues in relation to gender equality, equity and gender mainstreaming across Government.[9]

13. The National Gender Policy implementation programmes and activities are currently administered under the Women's Plan of Action (WPA) budget allocation. The WPA I national funding of $550,000 in 2012 has now increased to $1.3m in 2017/2018 Budget. This is an increase of 109 per cent. This increase therefore allows for better development and implementation of programmes.

Gender Stereotypes and harmful practices

Paragraph 6

14. The Ministry has been conducting CEDAW awareness and trainings to communities in all divisions to address discrimination against women and girls and to combat gender stereotypes and bias. A total of 11 trainings have been conducted in communities from 2015 to 2017. The Ministry under its Child Protection Programme conducts awareness programmes in communities on the importance of gender equality amongst children and protection of children. The Zero Tolerance Violence Free Community Programme (ZTVFC) in collaboration with Fiji Women's Crisis Centre has been conducting gender trainings and awareness on Gender Based Violence to various communities in Fiji. Moreover, programmes also include the engagement of Male Advocates in the Public and Private Sector to assist in the elimination all forms of discrimination against Women.[10]

GBV against Women

Paragraph 7

Resources allocated to Domestic Violence Act

15. The Domestic Violence Act (DVA) is implemented through the Judiciary, Independent Legal Institutions and the Police. Applications for Domestic Violence Restraining Order (DVRO) at any judicial registry and applications can be heard in person and also via telephone in certain circumstances. Under DVA, third parties can make applications on behalf of the victim of domestic violence. Judicial officers have also undergone training in relation to DVA. The Judicial officers also disseminate information on the DVA at the community level through various outreach programmes. From 2012, female sheriff officers are being appointed as part of the

[8] UNDP and Fiji Parliament Support Project. Scrutinizing legislation from a Gender Perspective: A practical Toolkit. 2017.

[9] The Government of Fiji, Ministry of Women, Children and Poverty Alleviation. National Gender Policy. 2014.

[10] Footnote 20, Internal Programme data 2015–2017.

open merit recruitment for the judicial sector. The Sheriff Officer's role is mainly to execute court documents and court orders, deliver people to prison and make arrests.[11]

16. DVRO can also be applied through any Legal Aid Commission (LAC) office. To ensure indiscriminate access to justice, LAC has since 2014, a total of 16 operational LAC offices. Further, LAC has a 1-day approval policy as compared to a week approval previously. Changes in the new eligibility for applications for persons with a net income $15,000 ensures legal services to a wider range of customers. As of 2012, civil matters can also be carried by Legal Aid officers as previously it used to be limited to criminal and family cases only. In terms of human resource allocation, the current staff establishment is a total of 209 officers comprising of 50 males and 86 females. The Commission has a 'Conflict brief out scheme' in situations where a party is already represented by the LAC and the other party cannot afford a lawyer and applies to the LAC for assistance. In such instances the Commission briefs out the matter to a private lawyer and bears all costs.[12]

17. The Judiciary and the LAC also work together to ensure that services are provided to Fijians in maritime areas and the Judicial Department also provides for Island Court Sittings. The cost of this service is absorbed by the Judicial while human resource is provided by Fiji Legal Aid Commission.[13]

18. The execution of the DVRO is done through Fiji Police Force. Civil Society Organisations dealing with cases of gender based violence (GBV) work in partnership with various development partners and Government agencies. The Fiji Police Force has established a Sexual Offences Unit and Juvenile Bureau with specialist staff and has adopted a no drop and zero tolerance policy for all complaints received against women and children.[14]

19. Data on reports, prosecution and convictions against GBV.

20. DVRO cases received in the magistrate's court from 2011-September 2017 (Annex 2). Data on number of DVRO cases registered by the Legal Aid Commission (Annex 3).[15]

Measures to prevent GBV against women

21. Judicial officers have had ongoing training to identify risks and take preventive action where there is a risk of further violence, the Police Force is ordered to ensure that DVRO are executed and implemented and those found in breach of them are further subjected to criminal proceedings.[16]

Training for professionals to identify victims of GBV

22. The Ministry of Health developed and launched in 2016, the 'Health Guideline for the Comprehensive Case Management — Responding to Intimate Partner Violence and Sexual Violence against Women and Girls'. The ministry is now in the process of developing a training manual. The manual is expected to be trialed with a National Training of Trainers (ToT).[17]

[11] The Fiji Judicial Department, CEDAW Consultation and Validation Workshop, Nov 15 2017.
[12] The Fiji Legal Aid Commission, CEDAW Consultation and Validation Workshop, Nov 15 2017.
[13] Footnotes 23 and 24.
[14] The Fiji Police Force, CEDAW Consultation and Validation Workshop, Nov 15 2017.
[15] Footnotes 23 and 24.
[16] Footnote 23.
[17] The Government of Fiji, Ministry of Health and Medical Services, CEDAW Consultation and Validation Workshop, Nov 15 2017.

23. Specialized training is provided by Fiji Police Academy to Sexual Offences Unit and Juvenile Bureau investigator's to identify victims of gender based violence. Fiji Police Force is a part of the Gender Based Violence and Child Abuse Working Group who have been instrumental in providing statistics to the Ministry of Women for policy advice and recommendations in focusing programmes where violence against women is prevalent.[18]

24. The Office of the Director of Public Prosecution (ODPP) regularly conducts gender competence training on sexual violence crimes for ODPP officers and police prosecutors. The ODPP also has a Child Protection Division that deals with sensitive child violence cases. The ODPP publishes monthly statistics on serious sexual offences and collates the information for a yearly publication which includes sex disaggregated data. This data is published on the ODPP website at http://odpp.com.fj/media-updates-2/.[19]

25. Judicial officers undergo GBV training as well dealing with sexual offences.[20]

Female Front Line Officers

26. The current women police officers are 25 per cent of the total police officers. There are specialized female officers in other fields such as forensic and prosecutors. 20 per cent of the total recruitment for police officers intake is allocated to females.[21]

Repealing the Right to "administer reasonable punishment"

27. Various government and non-government stakeholders are currently working on a draft Child Justice Bill and Child Protection Bill which will repeal the Juvenile Act. Pending further consultation with the relevant stakeholders, the bills will then be presented to the Fijian Parliament for parliamentary approval.[22] Section 11 of the Fijian Constitution states that everyone person has the right to freedom from torture of any kind, inter alia degrading or disproportionately severe treatment or punishment, and that every person has the right to be free from any form of violence from any source, at home, school, work or in any other place. This essentially means that all persons are protected under the section 11 of the Fijian Constitution.[23]

Paragraph 8

National Standard Operating Procedure

28. The Fiji National Service Delivery Protocol (Protocol) for responding to cases of GBV had been formulated after a series of consultation with key government ministries and departments, non-government organizations and service providers. Divisional consultations were held in the Eastern, Central, Western and Northern Divisions. The first draft was discussed at this consultation and was refined through consultation with key agencies. A national validation workshop was undertaken in May 2017 to finalize the Protocol and was attended by key Stakeholders from government and Non-Government Organizations. The Protocol is in its final form for endorsement. In regards to training, UN Women has committed to provision of

[18] Footnote 26.
[19] The Officer of the Director of Public Prosecutions, CEDAW Consultation Correspondence, Nov 2017.
[20] Footnote 23.
[21] Footnote 26.
[22] Footnote 26.
[23] Footnote 7.

funding for the Training of Trainers on the Protocol as part of its roll out phase. The implementation of the Protocol will be part of the respective Service Providers role as continuation of services; however this Protocol will strengthen the delivery of those roles.[24]

Traditional apologies such as "bulubulu"

29. Traditional apologies such as "bulubulu" are never used as a factor in deciding whether to bring a prosecution. The only factors relevant for a prosecution are (i) sufficiency of evidence and (ii) public interest. Traditional apologies such as 'bulubulu' are never used as mitigating factor or as reparation in sentencing.[25] The Fiji Police Force adheres to a strict compliance of No Drop Policy and Zero Tolerance of the traditional apology such as "bulubulu". The Domestic Violence Act (DVA) and the Crimes Act 2009 eliminates reconciliation and allows the process of the law to take its course once it is reported.[26]

Strengthening implementation of No Drop Policy

30. The 'no drop policy' is a police policy which requires the police to treat a complaint of sexual violence as a criminal offence and proceed accordingly. The Fiji Police Force adheres to a strict compliance of No Drop Policy and Zero Tolerance of the traditional apology such as "bulubulu".[27]

Gender Bias in Judiciary and Training

31. Sentences for perpetrators of GBV against women are some of the highest in the pacific region. For example, rape has a maximum sentence of life imprisonment and the sentencing tariff for the rape of an adult is 7 to 15 years' imprisonment and for a child it is 10 to 16 years.[28]

32. The Judiciary is pro-active in eliminating all forms of gender bias, its recruitment policy itself being based on merits has seen an increase in the number of female judicial officers and support staff at all ranks. The Judiciary conducts gender competency training with various stakeholders. Judicial officers have also attended workshops on gender related issues, gender and sexual offences and child and the criminal justice system in the last year.[29]

33. Through the Judicial's Criminal Case Management at the High Court, cases of GBV are fast tracked through the judicial process to ensure swift delivery of justice. Sentencing guidelines are used to impose sentences and penalties.[30]

Domestic Violence Misuse

34. The Fijians laws do not discriminate on gender as who can make an application for DVRO. Each application is decided before a Magistrate on the merits of the application.[31]

[24] Footnote 20.
[25] Footnote 31.
[26] Footnote 26.
[27] Footnote 26.
[28] Footnote 31.
[29] Footnote 23.
[30] Footnote 23.
[31] Footnote 23.

35. The parties are at liberty to appeal the decision of the Court if not satisfied.[32]

Awareness — Rising to Dismantle Victim Blaming

36. The Fiji Police Force "DUAVATA COMMUNITY" outreach is a programme focused on mobilizing and bringing communities together. Community symposiums, radio talkbacks, Crime Stoppers are being used to advocate and raising awareness on GBV issues. The Fiji Police Force also has a victim's visitation and counselling programme, Neighbourhood Watch Zone for communities, Blue Light Programme for youths, Policing Fiji for Rugby Programme with specific focus at advocating against GBV at community level.[33]

37. GBV Training and awareness had been undertaken with agencies from Government and CSOs advocating for the elimination of violence against women to encourage the reporting of cases of violence against women and children.[34]

Prevent forms of punishment and intimidation of victims

38. Prosecutions are brought against individuals when evidence suggests an offence has been committed and never to punish or intimidate people. At times, where there is evidence that witnesses have given false information to the police in regards to a crime, that person may be charged with having committed an offence such as "giving false information". This is necessary in order to preserve the integrity of the criminal justice system. The decision to prosecute in these circumstances is made by the DPP. The Office of DPP utilizes the services of CSOs from time to time in order to provide additional support to victims of sexual offences. In addition, the Office of the DPP conducts training for officers working in this area.[35]

39. Any frivolous or malicious reports being lodged is investigated by the Fiji Police Force accordingly.[36]

Support Measures for Victims of violence through 24 hour hotline

40. On 8 March 2017, the first National Domestic Violence Toll Free Helpline 1560 was launched. Victims of domestic violence can now call the line at any time for information and emergency assistance. The government funded Helpline was established in partnership with the three (3) main telecommunications companies in Fiji. The Helpline is managed by the Fiji Women's Crisis Centre. Statistics on Hotline since its inception is provided in Annex 4.

41. Fiji is the first Pacific Island country to also have a nation-wide, Child Helpline. The 24 hour Helpline began on 1 January 2015 and was officially launched in April 2015. The Helpline is fostered toward counselling for children concerned adults who can speak to a trained professional counsellor in English, i-Taukei, Hindi and Rotuman languages.[37]

[32] Footnote 24
[33] Footnote 26
[34] Footnote 20
[35] Footnote 31
[36] Footnote 26
[37] Footnote 20

Shelters

42. A Stakeholders Consultation on the "The Development of the Minimum Safety and Ethical Shelter Standard" Meeting was held on 14 to 15 December 2016, where key Stakeholders from Government and CSOs discussed opportunities to develop quality and coordinated management of GBV response in Fiji as part of GBV crisis intervention.[38]

Legal Aid

43. Under Section 118 of the Constitution of the Republic of Fiji, the Legal Aid Commission (LAC) established by the Legal Aid Act 1996 continues in existence. The LAC provides free legal aid services to those who cannot afford the services of a lawyer. The LAC regulates its own procedures and makes rules and regulations as it deems fit for performance of its functions. The LAC is independent, not subject to the direction or control of any person or authority, except by a court of law or as otherwise prescribed by law. The LAC has a 24 hour hotline number that has an assigned operator and a list of on call lawyers to attend cases, furthermore, the LAC is also part of a mobile platform called "mWomen" where all women can text the number *727# which provides various services for women including legal, law enforcement, counselling, business advice etc. The LAC also attends to all legal matters in maritime and rural court sittings with Judicial Officers to ensure that all Fijians including women in remote and maritime areas have access to justice.[39]

Access to Physical and mental health services

44. The Fiji Police Force has an existing MOU with Medical Services Pacific (MSP) in dealing with sexual offences and GBV cases. With this the Force works with MSP in the provision of counselling support to victims of violence and their families. There has been a referral pathway developed in partnership with MSP to provide shelter and legal advice to victim of GBV. The National Service Protocol is expected to further boost this programme.[40]

Paragraph 9

Policies and measures to prevent sexual exploitation

45. The Crimes Act 2009 provides protection against sexual exploitation. Ministry of Health Mental Health Unit (St. Giles Hospital) provides assistance to women and girls with disabilities who are raped. This assistance is not only for those who suffer from mental health issues but also to those who are physically disabled. Ministry of Health is working with Empower Pacific who has counselling rooms based in the divisional and sub divisional hospitals that provide counselling services to victims who present themselves to hospitals.

Access to emergency contraception

46. Emergency Contraception can be made available through prescription from a registered medical officer or a nurse practitioner, which means the case, has to be seen by a medical officer or a nurse practitioner first for consultation and advice before the issuance of a prescription. Medicines are available from Ministry of Health

[38] Footnote 20.
[39] Footnote 24.
[40] Footnote 26.

and Medical Services maternity, family planning and certain pharmacy service outlets. This can also be purchased from outside government health facilities.

Availability of Post Exposure Prophylaxis (PEP)

47. Medical Services Pacific (MSP) has been authorized by the Fijian Government to provide PEP for survivors of rape to prevent HIV infection. They also provide contraception in cases where a pregnancy occurs during incident of rape or sexual assault. PEP can be made available through prescription from a registered medical officer or a nurse practitioner. Medicines however are available from dedicated HUB centres and hospitals.[41]

Paragraph 10

Amendments to the Crimes Act (Rape definition and age)

48. The offence of rape under the Crimes Act 2009 refers to a person who has carnal knowledge with or of the other person without the other person's consent; or the person penetrates the vulva, vagina or anus of the other person to any extent with a thing or a part of the person's body that is not a penis without the other person's consent; or the person penetrates the mouth of the other person to any extent with the person's penis without the other person's consent. This is broader definition which was adopted when the former Penal Code was repealed.

49. Given the above it is prudent to note the definition of rape centres on the absence of voluntary consent and that a child under the age of 13 is incapable of voluntarily consenting. Section 212 of the Crimes Act 2009 expressly states no person who is in a relationship of control or trust over the boy or girl may rely on a defence listed in 212 (3). Moreover a person cannot use consent as a defence for the indecent assault on a boy or girl under the age of 16.

Forced Marriage and punishment

50. The Constitution defines "child" as an individual who has not reached the age of 18 years. Section 12 of the Marriage Act 1968 states that any person may contract a valid marriage under the Act if such person is of the age of 18 years or upwards. Under section 29 of the Act, any person who marries a person under 18 years or induces a marriage officer to conduct the marriage of a minor-commits an offence and is liable upon conviction to a fine or imprisonment

51. The Child Welfare Act has made the reporting of such cases which are considered as abuse mandatory, and once reported under the Act, it is referred to the Police. On the same note, awareness on child protection and child neglect and abuse has been conducted across the country and training on positive parenting has been part of the programmes that the Department of Social Welfare conducts in partnership with Save the Children, Fiji to help raise awareness on such issues that do affect our children.[42] When cases are reported the Fiji Police Force has taken appropriate legal action to protect girls who have been forced into such marriage.[43] Various CSOs including the Ministry conduct awareness and training on protecting girls, creating awareness on their rights throughout the communities in Fiji.[44]

[41] Footnote 29.
[42] Footnote 20.
[43] Footnote 26.
[44] Footnote 20.

Trafficking and Exploitation of Prostitution

Paragraph 11

Victims of trafficking, rescue and protection

52. Fiji's role as a regional transportation hub makes it a potential transit area for human trafficking. In regards to Prosecution, the Fijian Government sustained its anti-trafficking law enforcement efforts during the reporting period. As part of the measure to address the issue of trafficking of persons, the Crimes Act 2009 under Section 111 to 121 specifically looks at the offence of "Trafficking in Persons and Children". It not only looks at international trafficking but domestic trafficking too. Harsher penalties are in place under this legislation with a minimal of 12 years and maximum of 25 years imprisonment for offenders. To identify victims of trafficking there is an existing anti-trafficking cooperation among the Department of Social Welfare, (DoSW) Homes of Hope and Pacific Dialogue, Department of Immigration, the Police Human Trafficking Unit, and the Fiji Police Force Transnational Crimes Unit. There is an existing Interagency Committee on Trafficking consisting of Immigration Department, Social Welfare Department, Ministry of Labour, UNICEF, US Embassy, Ministry of Health, Fiji Police Force, ILO and Save the Children Fiji. This is also in terms of implementing the National Plan of Action Eradicating Trafficking Efforts made include provisions of temporary visas, temporary work permits, and safe-home for victims during the investigation period. The government makes available accommodation (safe home), medical care, interpreters, allowance for basic necessities, and temporary visas for foreign victims. Trafficking victims are eligible to apply for government legal aid.[45] In 2017 Fiji also became a party to the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

Statistical Data on persecution, conviction and acquittals of suspected perpetrators

53. Under Crimes Act 2009 the penalty for trafficking is of up to 25 years imprisonment, and possible fines of up to 100,000 Fijian dollars ($47,059), are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The police anti-trafficking unit began investigation of five cases, an increase from two cases investigated in 2014, which remain under investigation. Two of these cases from 2015 involved forced labour of male foreign nationals and three involved sex trafficking of Fijian women and children. The State continued to fund anti-trafficking in persons training for new police recruits. There have not been any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.[46]

Resources for Anti-trafficking

54. Government has allocated $80,000 of the national budget for 2017-2018 financial year to the Transnational Crimes Unit.[47]

[45] Footnote 26

[46] Trafficking in persons. (Source: https://www.state.gov/j/tip/rls/tiprpt/countries/2016/258766.htm2016 Trafficking in Persons Report). 2016.

[47] Footnote 26

Paragraph 12

Legal Measures for non-criminalization or penalization

55. Prostitution is illegal under s.225 of the Crimes Act 2009. However, please note that victims of human trafficking are given relevant assistance as stated below.[48]

Measure taken to combat prostitution

56. Efforts made include provisions of temporary visas, temporary work permits, safe-home for victims during the investigation period. Crimes Act — Part 13 — Prostitution Offences. S.225–227: Prostitution is an offence, however measures taken includes accommodation and furthering their involvement in livelihood programmes.[49]

Exit programmes for women in prostitution

57. The Government, through the Department of Social Welfare in partnership with various CSOs works to raise awareness and provide services for victims of Commercial Sexual Exploitation of Children (CSEC), such as counselling and shelter for such victims. Department of Women works with CSO's in all divisions to provide grants for income generating projects, and conducts legal literacy training, sexual and reproductive health, and leadership training amongst others in partnership with CSOs. The Department of Women is giving out grants to Women's Institutions that provide skills and entrepreneurial training for women especially single mothers and deserted spouses.[50]

Education measures to eliminate prostitution demand

58. The Ministry of Education has incorporated topics such as Entrepreneurship Education into subjects like Home Economics, Agricultural Science at secondary level. This aim to provide students with alternative options of generating income through small businesses, especially in instances where students may find themselves unemployed after secondary school. From 2018, it is anticipated that Entrepreneurship Education will become mainstreamed to be more visible in all levels. Technical Vocational Education Training also provides an alternative for girls who wish to continue with their studies after giving birth. Financial Education (FinEd) is a curriculum perspective, and is integrated into most of the primary and secondary curriculum. This perspective enables students to develop important life skills to be good managers of finances and investments. As such resources or finances acquired by them will be wisely utilized through investment or savings. The agencies or the government ministries that look after the implementation of these initiatives make resources available through their own budgetary allocations.

Selling of Girls during Winston

59. No case has been registered with Fiji Police Force or the Human Rights Commission.

[48] The Government of Fiji. Section 225 Crimes Act 2009. p. 1.101.
[49] Footnote 26.
[50] Footnote 20.

Measures to combat sexual exploitation of girls on streets and provide accommodation

60. The Department of Social Welfare works with street dwellers and beggars including children and girls that may have been exploited. Upon engagement they can be placed in residential homes or Homes of Hope who specifically targets victims of Commercial Sexual Exploitation of Children (CSEC). Once in these institutions they are put through counselling and through funding assistance from Government, are also trained in various income generating programmes.[51]

Sex Tourism and measures to combat it

61. Prostitution is an offence under Crimes Act — Part 13 — Prostitution Offences. S225–227.[52] The Fiji Police Force together with Fiji Immigration Department work closely to implement these laws.

Participation in Political and Public Life

Paragraph 13

Women's political participation

62. Fiji does not have Temporary Special Measures (TSM) when it comes to women participation in politics as the Constitution assures equality for all thus encouraging women participation in Parliament based on merit and effort. The new electoral system established in 2014 under the Fijian Constitution for the first time allowed for proportional representation through an open list which encouraged political parties to field more youth and women candidates. The 2014 general elections saw the participation of more women candidates and ultimately saw the election of the first female leader of the opposition. Moreover, the Fijian Parliament commenced sittings in 2014 with the first female Speaker of Parliament and the first female Secretary-General to Parliament. Currently the Fijian Parliament has more women Parliamentarians than it did in previous years. Currently women Parliamentarians make up 14 per cent of the Legislature.

63. The Fijian Parliament has been working towards creating an enabling environment for women politicians through community outreach and through the creation of activities such as the mock Women's Parliament. This is to encourage potential women leaders including young women to enter the political arena and recognize politics as an attractive alternative to other careers. The Fijian Parliament organized a mock Women's Parliament in August 2016 aimed at encouraging women participation in national politics and Parliament which involved 50 women from various backgrounds across the country. The hosting of such an event offered a unique opportunity to aspiring women leaders to learn about Parliament, get briefed on important development issues, and build policy skills. A mock Women's Parliament is a way of promoting the participation of women in politics where the issues raised and debated are real issues facing women and society.

64. Through the "Meet the Speaker" Programme, the Honourable Speaker visits communities as well as a range of community consultation forums where she is able

[51] Footnote 20.
[52] Footnote 26.

to talk directly to women in community/rural settings to encourage women's participation in politics.

65. The Speaker being a 'woman champion', internationally and nationally advocates for women to join national and local government levels to empower women to contribute to decision-making processes and contribute towards a holistic development of Fiji.

66. Women MPs through their active and robust participation in Parliamentary debates and as members of Parliamentary Standing committees demonstrates the inclusion of women the decision-making process at the national level. Thus, the presence of women MPs in Parliament itself can serve to empower other women to take the step to enter politics.[53]

67. The Ministry also conducts capacity building through leadership training for women at grassroots level. The objective of this training is to enhance women's participation and leadership skills in various spheres of social interaction and decision making. A total of 11 trainings have been conducted by the Women's office around the country for 2015-2017.

68. The Ministry in partnership with UN-Women through BRIDGE training (Building Resources in Democracy and Elections) builds capacity of women on electoral process to strengthen women community leaders. The target groups for this training are women who have the capacity and capability in excelling in politics and leadership positions and also women who have interest in pursuing politics.[54]

Women in the National Diplomatic service

69. Fiji has a total of 18 missions, which is inclusive of 17 missions abroad and the Roving Ambassador's division. Out of 63 available diplomatic posts, in its 18 diplomatic missions. Women make up 30 per cent of the postings. Of the 18 available Heads of Missions posts, 14 are filled with 4 positions currently vacant. Women Heads of Missions are at 21 per cent or 3 out of 14 as at November 2017[55] (refer to Annex 5).

Women in International Organization

70. A total of 19 local women are employed in International Organizations. It is prudent to note that International Organisation being independent of the State would adhere to their own recruitment policies, etc. (refer to Annex 6).

Increase participation in political and public life for women in ethnic minority

71. The Constitution provides for women from all ethnic groups to participate in elections. Section 26 of the Fijian Constitution guarantees equality and prohibits unfair discrimination in ways that were previously unheard of in Fiji. Under the Open List Proportional Representation System one person gets one vote of equal value. As result of this system there has been an increase in the number of women MPs.[56]

[53] Parliament of the Republic of the Fiji Islands, CEDAW Correspondence, Nov 2017.
[54] Footnote 20.
[55] Government of Fiji, Ministry of Foreign Affairs, CEDAW Correspondence, Nov 2017.
[56] Footnote 4.

National Gender Policy and Women's Plan of Action

72. The Department for Women with the Ministry of Economy has incorporated specific Gender-responsive strategies and activities into the draft National Development Plan which is currently still in draft. Through process, the Ministry ensures that Gender-responsive strategies are mainstreamed throughout all government programmes. The establishment of Gender Focal Officers within whole of Government Ministries, the Women's Machinery monitors the implementation of the National Gender Policy (NGP). The Gender Focal officers have undergone gender mainstreaming training and Gender Awareness Sessions have been conducted for several ministries. The main objective of this awareness session is to increase understanding of gender, the social construction of gender, origins of discrimination and the NGP and its implementation. The Members of Parliament and Permanent Secretaries have also undergone Gender Mainstreaming training and NGP Awareness sessions. This approach ensures that officers at all levels of Government are aware of the Policy and its implementation. The Gender Focal Officers meet quarterly to share progress made on implementation of strategies from the NGP.[57]

Violence against women in political and public life

73. Fijian laws do not discriminate protection or limit protection to only a certain group of women- they provide protection for all persons from GBV.

Education

Paragraph 14

Measures to eliminate patriarchal gender stereotypes reference in educational material

74. The Ministry of Education's Curriculum Council vets and approves all resources (text books and syllabi, and any supplementary resources) that are used in schools for all levels. The Curriculum Council consists of the Deputy Secretary Professional and the Directors of different departments in the Ministry. There are three core textbooks used in the school system and these are Social Science, Family Life and Healthy Living Textbooks. In order to eliminate references to patriarchal gender stereotypes texts books have been amended to reflect a gender balance in order to eliminate gender bias.

Sex-Education commitment

75. Sex education is incorporated into compulsory curriculum subjects. Basic Science and Biology teach the science aspects of sex education but the moral aspect is addressed by Family Life Education (FLE) and Healthy Living (HL). Year 1 students (6 Years of Age) learn of the 'bad touch', 'good touch' and private space in Healthy living and Family Life Education. This is the beginning of sex education and progresses through to Year 13 (17 to 18 years of age) where, for instance, decision making at adolescent stage is addressed. At all levels from primary right through to secondary schools students are required to take Family Life Education (FLE). Social science syllabus addresses gender issues and human right issues in year 9 and 10 (secondary age 14 to 16) and years 7 and 8 (Primary-age 12 to 14). The Ministry of

[57] Footnote 20.

Education has taken appropriate steps to review sex education in their Healthy Living and Family Life subjects.

76. In the curriculum appropriate sex education topics which are sensitive and censored by our local tradition and culture are pooled together. The topics are unpacked in the syllabi so that it is taught at one standard throughout the schools. The syllabi is vetted and thorough consultations are held with all stakeholders so that the right topic is taught at the right level and the concepts are scientifically correct.[58]

Pregnant girls in Schools

77. Section 31 of the Constitution provides for the right to education. Expulsion in Fiji schools is no longer an option for addressing indiscipline. Every individual has access to quality education, in the event pregnant girls drop out of school, they are always encouraged to return and complete their education and schools are to provide support and assistance accordingly.

78. The 'MATUA Programme' is run at the Nabua Secondary School to cater for those mature students who had dropped out of school. The School employs a dual system that offers the normal school programme during school hours and the MATUA programme for youths and adults in the evenings. The two programmes use the same curriculum, are taught by the same teachers, take the same examinations and offer the same qualifications. The teachers of the school volunteer their services for the evening classes. Enrolments to this programme showed the following distribution: 80 per cent of students who are mostly 20 to 28 years old, 75 per cent females most of them young single mothers, 15 per cent married, 10 per cent employed and most rely on others for financial support.[59]

79. Technical and Vocational Education and Training (TVET) provides opportunity for girls to enrol in technical and vocational training institutions in Fiji. Some training centres like the Makoi Women's Training Centre provides life skills training for women. The setting up of Technical Training Institutes to some urban and rural schools in Fiji has also assisted in assisting teenage mothers.

80. The Ministry of Education has developed the "Parental Engagement Framework and Strategies" in 2016 after considering various patterns of behaviour that affects overall performance of children in schools. The shift to a more 'child-centred' learning also supports the importance of parental engagement.

81. Women and girls can also access The Tertiary Scholarship and Loans Scheme to further their education.[60]

Support measure for Families

82. Apart from Free Tuition and bus (or boat) fares for low-income earners, the Ministry of Education further provides free milk and cereal for all Year 1 students in all schools, and free text books at all levels. Primary schools students continue to access the free tuition initiative by the State. The National Toppers Scholarships provides for those students who score well as per the mark requirement after Year 13. More than 7,000 additional students are now attending tertiary institutions after the introduction of the National Toppers Scholarships and the Tertiary Education Loan

[58] Footnote 50.

[59] Salanieta Bakalevu, Open Schooling as a Strategy for Second-chance Education in the Pacific: A desk study report, 2011.

[60] Footnote 63.

Scheme in 2014 which was more than in previous years. In 2013, 5,434 students were studying at tertiary institutions. Under the new scheme, 12,943 students are attending tertiary institutions. The Ministry of Education also expands its free tuition initiative to accredited pre-schools and technical colleges around Fiji.[61]

Employment

Paragraph 15

Occupational Segregation

83. The Government through the implementation of the Open Merit Recruitment Based System (OMRS) recruits and selects employees based on their ability to do the job, assessed against objective selective criteria which do not discriminate against or give preference to a group or individual. The minimum wage was increased from $2.32 to $2.68 and came into effect from 30th September 2017. The Equal Employment Opportunity (EEO) policy ensures that all men and women have equal opportunity to apply for any post that is advertised for recruitment. The Ministry of Employment, Productivity and Industrial Relations (MEPIR) through its reformed legislations is empowered to ensure all workers including the female workers get fair pay and just working conditions. Moreover, the unemployed under the National Employment Centre (NEC) Act 2009, have been given opportunities for further training, work attachment, volunteer attachment including foreign employment opportunities to improve their capacities, contribute to nation building and make a difference. The NEC Act 2009 provides for all unemployed persons between the age of 15years to 55 to be registered with National Employment Centre (NEC) upon which then Ministry embarks on conducting training, work attachment and volunteer opportunities to registered members. It has assisted a total of 1153 unemployed females in regards to employment placement from 2010 until 2017.[62]

Child care facilities and Paternal Leave

84. "Crèche Homes" where all female workers in the Ministry of Health have breast feeding rooms in each sub divisional and divisional hospitals where exclusive Breast feeding for the first 6 months is encouraged.[63] The Ministry of Employment, Productivity and Industrial Relations encourages all employers to have breast feeding and sick bay areas for staff. However, it is up to the organizations to implement such initiative. Even though paternity leave has not been legislated here in Fiji, each agency through gender awareness sessions are encouraged that their male colleagues do apply for leave during confinement of their wives and partners to support and shares family responsibilities.[64]

Release from employment

85. No female can be released from employment if she has worked for 150 days from date of confinement. Similarly women cannot be terminated on the grounds of pregnancy and any employer that terminates a female worker on the grounds of pregnancy commits an offence. Any employer that terminates a female worker on grounds of pregnancy or does not pay maternity leave commits an offence and is

[61] Footnote 63.
[62] Government of Fiji, Ministry of Employment, Productivity and Industrial Relations.
[63] Footnote 29.
[64] Footnote 76.

liable on conviction for an individual to a fine not exceeding $10,000 or a term of imprisonment not exceeding 2 years or both and for a corporation and company, a fine not exceeding $50,000. The Ministry also provides free legal service to workers including the female workers in terms of representation on employment grievances to the Employment Relations Tribunal and Employment Relations Court. This service is provided to ensure that every Fijian worker has access to justice. The Compliance Section of the Ministry has conducted a total of 3,462 labour inspections throughout Fiji and has conducted a total of 3,118 inspection awareness and interview for male workers and 3,380 interviews for female workers over the same period. This is indicative of the Ministry's commitment towards realizing its new Vision of "Decent Work and Employment Growth". Section 75 of the Employment Relations Act 2007 prohibits as outlined in s26 of the Constitution. Part 11, S (100) of the Employment Relations Promulgation 2007 is the provision under the Act to protect women and to ensure that they are not disadvantaged when taking maternity leave. The Act also provides for paid maternity leave.

86. The Mediation Service established under Section 193, Part 20 (Institutions) of the Employment Relations Promulgation 2007, is the primary conflict-resolution institution at the national level which must first be exhausted by the disputing or aggrieved parties before the secondary institutions of the Employment Relations Tribunal or Employment Relations Court are activated. The Mediation Service is basically the continuation of the good faith dialogue between the parties at the enterprise level. The only difference is that at the Mediation Service, a professionally trained and accredited Mediator provides the facilitative negotiator role. Any decision agreed to by the parties and endorsed by the Mediator is final and binding.[65]

Sexual Harassment at work place

87. According to the National Policy on Sexual Harassment and the Employment Relations Promulgation in Fiji, all employers are responsible for ensuring that workplace policies on elimination of sexual harassment are in place. Ministry of Employment conducted 3,462 labour inspections and conducted awareness on sexual harassment for these employers and workers at the same time. Employment Relations Act 2007 in section 76 provides measures to address sexual harassment at the workplace. Furthermore, the Crimes Act 2009 also provides for the offences of indecently insulting or annoying a person.[66]

Paragraph 16

Non-contributory social protection

88. The Poverty Benefit Scheme enables households including women led households living in poverty to access this assistance which provides them a monthly allowance and $50 food voucher that they can use to purchase the necessary food supplies that their family need. The Rural Pregnant Mothers Programme gives, especially women from rural and maritime locations a monthly food voucher of $50 which they can redeem in approved vendors or cash to assist in their term of pregnancy. This assistance is to encourage rural women to register early in their health facility to avoid complications later on in their pregnancy at the same time assist them in procuring food items that help them and the child with their nutritional intake. The Care and Protection allowance is also given to poor single parents (most of whom are

[65] Footnote 76.
[66] Footnote 76.

mothers). Included in this assistance is a monthly allowance (maximum of $120 FJD) with an additional $50 food voucher.

Protection for Elderly Women

89. Under its Social Protection Programme, the State allocated a total of $37,200,350. This was an increase of $23m to accommodate and increase in monthly allowance from $50 to $100 as well as increase in number of recipients of 8,004 due to reduction in age eligibility from 66 to 65years. This support is ideal for women who may never have had a source of income. Bus fare concession is also provided for everybody 60 years and above. Both support programmes are for both men and female and not specific.[67]

Health

Paragraph 17

Abortion

90. Abortion is illegal in Fiji, however s.234 (2) of the Crimes Act 2009 outlines situations when abortion performed by a medical practitioner in good faith and with reasonable care and skill, is not criminalized:

Post Abortion Care

91. All abortion cases referred to any health care facilitates are provided with professional and quality post abortion care.

Contraception and Teenage pregnancies

92. The Ministry of Health provides contraception without parental consent. The information is kept confidential between the provider and the client. The Ministry of Health has a Family Planning Training Package being used to train health care workers and to provide non-discriminatory spaces for accessing contraceptives and support services.

Adolescent Health Development Clinics

93. Fiji has an existing Adolescent Health Development Office coordinated by Ministry of Health and Medical Services. The Offices throughout Fiji consists of Community Health Educators, which provides information, other necessary medical clinics including treatment of STI, blood tests, pregnancy test and pap smears. Authorized Organizations such as Medical Services Pacific, Reproductive and Family Health are examples of the one stop shop that provides medical treatments not provided by the Adolescent Health Office. The Fiji Adolescent Reproductive Health Programme has a budgetary allocation of ($295,000) for 2017/ 2018 fiscal year which notes the Government's commitment towards the operation of the Programme.

Reproductive Right

94. Section 38 (1) of the Constitution provides for Right to Health. This provision articulates that the State must take reasonable measures within its available resources to achieve the progressive realization of the right of every person to health, and to the

[67] Footnote 20.

conditions and facilities necessary to good health, and to health care services, including reproductive health care. In all health care facilities in Fiji all women are to decide without the husband/partners consent on the type of contraceptive to use.[68]

Social and Economic Benefits

Paragraph 18

Awareness-Raising Campaigns

95. Awareness-raising is conducted through Government roadshows, Ministerial Tours as well as Commissioners Tour. During these tours, all government and relevant agencies partner together to reach out to rural communities. Government ensures that services such as rural banking options, income-generating projects, financial literacy and technical project training is provided to communities. The Government also provides Small Medium Enterprise grants, Income Generating Grant and Cottage Industry Grant. The Reserve Bank of Fiji's through its National Financial Inclusion Strategic Plan 2016–2018 is part of Fiji's five-year National Development Plan and within the strategic plan; goal 1 is for Empowerment of Women, Youth and those living with Disabilities. The plan sets out clear financial inclusion agenda for women and provides opportunity for them to be included.[69]

Measures to reduce poverty and improve economic livelihood

96. Beneficiaries of the Department's social protection programmes (PBS and C&P) qualify to request for Income Generating assistance. However, prior to being given the funds they are taken through a series of training schedules which include budgeting, bookkeeping, and so on, before they are given their seed funding to implement their projects. One of the objectives of this programme is to help empower them to become self-reliant rather than depending on State assistance.[70]

97. The South Pacific Business Development (SPBD) is a network of Microfinance Institutions working in Fiji and other Pacific Island countries dedicated to eradicate poverty by empowering women in poor rural villages with opportunity to start, grow and maintain sustainable, income-generating micro-enterprises, build assets, as well as, finance home improvements, and childhood education. They provide their clients with wide range of training financial services, and ongoing motivation for poverty alleviation.[71] The table below illustrates number of women assisted from 2014 till 2017 by SPBD microfinance initiative.

Year	*2014*	*2015*	*2016*	*2017*
Number of women assisted	7 781	9 120	9 033	10 212

98. The National Centre for Small and Micro Enterprises development (NCSMED) was established in 1999. The SME policy framework led to the enactment of Small and Micro Enterprises Development Act (2002), under which the National Centre for SME Development was created. Under this Act the centre supports and promotes SMEs especially for the benefit of disadvantaged groups such as women and young

[68] Footnote 29.
[69] Reserve Bank of Fiji, National Financial Inclusion Strategic Plan 2016–2020, p. 11.
[70] Footnote 20.
[71] South Pacific Business Development, CEDAW Correspondence, Nov 2017.

people, facilitate the development of an enabling environment for the SMEs, develop training programmes in business management and facilitate access to funds for SMEs. Since 2014, a total of 2,643 women have been supported within Fiji. This support has been in terms of financial literacy trainings, technical trainings, Livelihood Assistance, Government's Look North Policy and NCSMED Business Incubation Centre Programme (Annex 7).[72]

99. While the State does not provide micro finance options for women as economic empowerment, there are special provisions for Grants from ministries for similar purpose. The Ministry of Industry and Trade provides a $1,000 grant to Small Enterprises as start off capital or running capital for small businesses. Since the grants inception from 2017, the ministry has assisted a total of 7,209 women which equates to 40 per cent of the overall grants composition. From inception, a total of 17,966 recipients have been assisted.[73]

Rural Women

Paragraph 19

Rural Women

100. BRIDGE and leadership Training is provided to rural women in an effort to develop their leadership skills. This is similar to information provided in response to paragraph 13.

101. In terms of access to social justice programmes such as Rights, Empowerment and Cohesion (REACH) which is raising of the social, economic and legal rights enshrined in the Fijian Constitution. The programme provides access to services associated with rights, and strengthens institutional capacity to deliver these services. This mobile service delivery approach is undertaken to reach communities throughout Fiji with the focus to reach the furthest behind first. From September 2015 to November 2017; a total of 11,010 people benefited from the REACH Mobile Awareness raising and service delivery. This includes 5,283 women, 4,987 men and 740 children (Annex 8).[74] The provision of legal services through the Legal Aid Commission is a core component of the REACH programme.[75]

102. Land ownership is for everyone registered under the "Vola ni Kawa Bula" (VKB) [registration of indigenous peoples] — women included.[76] Internal policies for inclusion of female spouses in State Leases granted during the formalization of formal settlements programme in the Ministry of Lands means the protection of female spouses interests in such leases.

103. The Ministry of Health has developed Clinical guidelines for comprehensive case management in response to intimate partner and sexual violence. These guidelines help fill a policy gap within the health system and will support improved training for health professionals. The document has four sections to support frontline service providers and health professionals to respond effectively, consistently, and

[72] National Centre for Small and Micro Enterprise Development. CEDAW Correspondence. Nov 2017

[73] Government of Fiji. Ministry of Industry and Trade. CEDAW Correspondence. Nov 2017.

[74] Government of Fiji. Ministry of Women, Children and Poverty Alleviation. Rights, Empowerment and Cohesion Programme. Government Focal Officer. 2017.

[75] Footnote 24.

[76] Footnote 4

empathetically to victims, this includes understanding GBV, the role of health systems in responding to GBV, clinical management protocols for intimate partner violence and sexual violence, and referral pathways. The document also provides clear direction for forensic evidence collection to support prosecutions.[77]

Health Services

104. Fiji has a health system with the nursing station level reaching right to the community in most remote areas. There are community health workers in every village and communities in Fiji that are trained to provide basic level of health care and health information and refer women to the nearest health facility or arrange with the area nurse for home visitation. The Family Health Unit in the ministry has also been organizing mobile health outreach services targeting the most remote areas with the focus on women and children however not undermining other health services. Government outreach programmes through the Ministry of Health and Medical Services organizes community visitations to the remote and maritime islands to provide the needed health service to women and members of rural community as a whole.

Lesbian, bisexual, transgender women and intersex (LBTI)

Paragraph 20

LBTI Discrimination

105. s.26(3)(a) of the Fijian Constitution prohibits discrimination on the grounds of, inter alia, sex, gender, sexual orientation and gender identity and expression. The schools have counselling sessions where children are informed against bullying and other misconduct.[78] The Ministry of Education has not received any complaints in relation to the discrimination of children based on sex, gender, sexual orientation, gender identity or expression.

Boarding School Case

106. No official report has been made to the Ministry of Education or the Fiji Police Force in this regard. No other cases have been reported in this regard.

Indigenous and Minority Women

Paragraph 21

Status of Ethnic Monitory Women

107. Fiji's total population is estimated at 865, 612, there are two main ethnic groups: iTaukei (indigenous Fijians) who makes up about 57 per cent of the total population and Fijians of Indian descent who account for 37 per cent.[79] Ethnic minority groups such as the Rotumans and Banabans make up a very small fraction of the population. There are also fractions of Chinese, Europeans and other Pacific Islanders who call Fiji home. The Fijian Constitution in particular section 5 (1) gives the right for all Fiji

[77] Asian Development Bank, Fiji Country Gender Assessment, 2015, p. 29.
[78] Footnote 1.
[79] Footnote 92 p. 12.

citizens to be called 'Fijians'.[80] All rights of the ethnic groups are protected in the Fijian Constitution. Section 26 makes specific provision for 'Right to equality and freedom from discrimination'. This section covers 22 grounds of discrimination where ethnicity is included.[81] Special mention is made here on the States effort to protect the rights of ethnic monitory groups. Section 28 of the Fijian Constitution provides for 'right of ownership and protection of iTaukei, Rotuman and Banaban Lands'.[82] Noteworthy is the inclusion of Rotuman and Banaban Lands which surely gives the two minority groups a sense of recognition in the country. In area of Employment, the Women's labour force participation varies by ethnicity: more than half of iTaukei women (53 per cent) are in the labour force, while about one-third of Fijian women of Indian descent (37 per cent) are in employment.[83] The 2010–2011 Employment Unemployment Survey (EUS) data show that women made up 35 per cent of those employed in the informal sector, most being unpaid family workers. Women account for 27 per cent of the overall self-employed across both formal and informal sectors, mainly working in market-oriented agricultural production or fishing, handicrafts, or sales-related jobs. Very few — around 800 women compared with 4,300 men — are self-employed in the formal sector, reflecting the limited participation of women as owners of small businesses.[84] Rural communities in general maintain more traditional gender norms than urban communities, and there are fewer opportunities for rural women to earn their own incomes and engage in activities independent of their families. In urban areas, more liberal gender norms prevail; women also have more opportunities for paid employment, better access to services, more diverse role models, and better access to groups supporting gender equality and women's empowerment.[85] It is important to note that data in this area are scarce however the Women's office aims to clear this gap.

Participation in decision making process

108. In relation to indigenous women and distribution of land, land is communally owned by iTaukei people who are registered in the "Vola ni Kawa Bula" or the register of iTaukei Landowners (includes both men and women). When making land available for TLTB to lease out, 60 percent of the members of the communal group need to consent. Records are kept of members of each communal group by the i-Taukei Lands Commission. These cultural registers are maintained and updated by the Commission, and the document used to authenticate the entry or deletion of individuals is done with a certificate from the Register of Births, Deaths and Marriages. Under the laws of Fiji income received by way of lease, however is distributed equally amongst the individuals (irrespective of gender). The Ministry of i-Taukei Affairs encourages the equal participation of all i-Taukei women in the decision making process, and promotes this by calling for all individuals within a community to participate in development issues; with regard to communal arrangements; with the significant role women play in their communities they are encouraged to actively participate in the various trainings that the i-Taukei Affairs Board provides such as the "Leadership, Good Governance and Management Training for Local Level Leaders" including Traditional Leadership Curriculum, with the objective focus on participation in

[80] Government of Fiji, Section 5-Constitution of the Republic of Fiji, 2013, p. 4

[81] Footnote 1

[82] Government of Fiji, Section 28-Constitution of the Republic of Fiji, 2013, p. 31

[83] Footnote 92 p. 41

[84] Footnote 92 p. 51

[85] Footnote 92 p. 6

planning but more importantly to prepare them to contribute constructively for development within their communities.[86]

Women with disabilities

Paragraph 22

Measures for removal of barriers for women with disabilities

109. In 2017 Fiji ratified the Convention on Rights of Persons with Disabilities ('CRPD'). With this ratification, Fiji has committed to align all national legislation with the provisions of the CRPD and to progress this further the Rights of Persons with Disabilities Bill is currently before the Fijian Parliament. In addition to laws, the Fijian Government through Ministry of Women, Children and Poverty Alleviation has established a Disability Unit with its own budget allocation which will look after measures to ensure that the rights of all children and adults with disabilities is protected, promoted and fulfilled.

110. The aim of Fiji National Disability Policy (2008–2018) is to provide a framework for addressing disability in Fiji and to develop a more 'inclusive' society, create greater awareness of the needs of people with disabilities and identify priority areas for action to dismantle barriers hindering the full participation of people with disabilities in the social and economic life of the Fiji Islands. The policy reflects the priorities and views of the people of Fiji from many communities throughout the islands of Fiji.[87]

111. The Disability Bill is currently before the Fijian Parliament. Section 27 (4) highlights the rights of persons with disability and this includes the right to freedom from exploitation, violence and abuse s35 (1)–(3), and the right to education, health, and employment.

112. Under the Constitution and the Disability Bill, persons with disability have the right to work. There has been inclusion of persons with disability in the formal sector through the Employment Relations Promulgation. There is extension of Taxation Scheme for Persons with Disabilities to encourage employment creation and availability of employment opportunities for disabled persons. Government has extended the Employment Taxation Scheme to include employment of disabled people for a period of three years with 300 percent tax deduction.

113. The Equal Opportunity Policy stipulates that all recruitment to and promotion within public service is open to all Fijians regardless of race, religion, gender, marital status, disability, age or sexual orientation.

114. There is a Scholarships Scheme for Children with Special Needs for certificate to Undergraduate Degree level who are enrolled in institutions which include Fiji School of the Blind, Hilton Special School, Gospel School for Deaf and Blind, the Fiji Crippled Society — Lautoka and Fiji Council for Disabled Persons. There is no cut off mark for qualification to be enrolled for the students; however they need to be part of the homes that is listed. Primary education — Special education is given a grant of $3,703,000. Out of this, $1,359,000 is allocated for grants.

[86] Footnote 4

[87] Footnote 20.

115. The Fiji National Council for Disabled Persons (FNCDP). The State party allocates a specific budget every year for operations of the council:

- Government has provided for bus fare subsidy for persons with disabilities and funding to the Fiji Roads Authority to ensure that new roads and footpaths are disability friendly.
- A further grant of $120,000 has been allocated to promote participation of disabled persons in sporting activities. Government has allocated $850,000 in the 2017-2018 national budget to the Frank Hilton Organization, to detect disabilities in very young children and then intervene with appropriate therapies.[88]

Transition from Institutional care to community based social service

116. The reality on the ground is that all our cases in government institutions usually stay for their life span. For children with disabilities there are institutions that are administered by Religious Organizations. They usually remain in care, until old enough to move to other institutions. State Party has allocated $25,000 for scoping work towards establishment of a new centre for psychosocially challenged persons. the Government in 2017-2018 budget has made allocation under its Social Protection Scheme to provide a $90 allowance to persons living with disability based on World Bank recommendation. Government has also allocated a total grant of $1.1m to seven disabled persons Organizations and construction of a disabled centre in Western, Fiji.[89]

Disaster risk reduction and climate change

Paragraph 23

Policies programmes based on gender analysis

117. The Framework for Resilient Development in the Pacific (FRDP): An Integrated Approach to Address Climate Change and Disaster Risk Management (FRDP) provides high level strategic guidance to different stakeholder groups on how to enhance resilience to climate change and disasters, in ways that contribute to and are embedded in sustainable development. The Ministry for Women Children and Poverty Alleviation was able to influence FRDP through the Gender and Social Inclusion Climate Change Officer by working within the system and connecting with Gender lead Government Agency in Fiji, Tonga, Vanuatu and the Solomon Islands. As a result the Protection Pacific Network or ProPa was formed in 2015 as an inter-governmental body that promotes gender equality and protection issues relating to climate change and disasters in the Pacific due to common issues on Gender and Protection within countries. The ProPa Network was able to integrate core principles of protection and gender and social inclusion (GSI) within the regional FRDP. At the national level, ProPa has also been instrumental in assisting the gender and protection clusters to ensure that these function beyond the response phase and support the centrality of gender and protection for preparedness, recovery and resilient development. This regional platform comprises government officials from four founding member countries (Fiji, Solomon Islands, Tonga and Vanuatu). It is working to advance gender and protection issues and ensures that development is both risks informed, inclusive

[88] Footnote 20
[89] Footnote 20

and equitable. It helps stakeholders address the root causes of risk, by unpacking the gender and social dimensions of vulnerability to risks (e.g. land rights, migration and inequalities) and developing capacity to manage these.[90]

118. The National Disaster Management Council established under the National Disaster Management Act 1998 has the overall responsibility for disaster management. The Permanent Secretary for Ministry of Women is a member of the council. The government recognizes women's contribution in all aspects of disaster management. That includes development of suitable strategies and policies for disaster mitigation and preparedness for training, management and public education in disaster management.

119. The Ministry of National Disaster Management and Meteorological Services has recently launched the National Humanitarian Policy on Disaster Risk Management. The policy aims to proactively engage and support community networks, private sector and groups with vulnerabilities in all aspects of humanitarian action, particularly at the divisional and local levels. Through the Climate Change Department an integrated vulnerability assessment was carried out in communities to have the community perspective on the national climate change policy. Gender analysis was done at national level through relevant Ministries. Training on Disaster Management Plan is being implemented to the community and women are encouraged to be part of the Disaster Management committee (community level) and also provide feedback to the committee on the needs of women. To date, 214 vulnerable communities in Fiji have been trained. Each of these communities has established a Community Disaster Plan and a Community Disaster Management Committee (CDMC). Each is required to have at least one female representative to voice women/children's issues. The Disaster Management Training also includes issues which deal directly with climate change and how it directly affects women. Such issue includes relocation of villagers and how the Ministry integrates gender inclusion into such project. Gender inclusion into community development plans and issues relating to Domestic Violence, land conflict, child abuse etc. in terms of disaster response.[91]

Participation of women and girls from low-lying coastal areas

120. There are 697 out of 1,193 registered villages in Fiji that are located in low-lying areas in the direct paths of natural disasters. 124 of the 697 villages have undergone disaster training and have established Community Disaster Committees. Each committee comprises of a representative of Women's group (Soqosoqo Vakamarama) and the village nurse. Throughout the training women and girls are also consulted in the process. Each divisional office through the divisional commissioner chairs relocation taskforce for low lying areas which deals with women who are vulnerable in low-lying areas. The community is reached through the provincial office with consultation with women officers to reach out to women in the vulnerable community.[92] Department for Women through climate adaptation programmes identifies low-lying areas as potential project site for such projects example clean cook stove, solar grandmother project.[93]

[90] Footnote 20.

[91] Government of Fiji, Ministry of Rural, Maritime and Development, CEDAW Consultation and Validation Workshop, Nov 15 2017.

[92] Footnote 109.

[93] Footnote 20.

Measures against discrimination

121. In order to eliminate any form of discrimination in preparedness and response phase, the following efforts have been made:

- Collation of Sex desegregated data from the respective Provincial Administrators to better guide response efforts post-disaster;
- Code of Conduct during emergency was implemented in all evacuation centres through the assistance of the Fiji Safety and Protection cluster;
- If Domestic Violence was identified by the officer in charge at the evacuation centre then proper referral pathways were made to deal with these issues by involving women officers and welfare officers to take actions;
- The National Disaster Management Council at Permanent Secretary Level consisted of Ministries for Women Permanent Secretary who advocates for gender issues at policy level through the council and is implemented through the National Disaster Management Office.[94]

122. Through the Safety and Protection Cluster which is chaired by PS Women coordinates the implementation of programmes in relation to safety of women during and after disaster in which the Red Cross conducts swimming exercise for vulnerable communities affected by disasters and climate change. The Ministry of Education does have a policy for children to acquire life skills such as swimming; however it is upon the School Administration to facilitate and integrate this in the school activities. There are primary schools that take students for swimming classes.

Humanitarian Response

123. The National Humanitarian Policy states that "each sectoral cluster is led by the Permanent Secretary of an appropriate ministry who will be supported by a cluster secretariat to coordinate humanitarian actors within the sector". The distribution of dignity and hygiene packs is supervised by the Water, Sanitation and Hygiene Cluster (WASH) and during humanitarian and relief operations after Tropical Cyclone Winston. The number of dignity and hygiene packs distributed to evacuation centres depended on the disaggregated sex and age data provided by the district officers and provincial administrators from the evacuation centres. A standard kit will include: Sanitary pads, wipes, tooth brush and tooth paste, toilet tissues, combs and bathing soap and towels.[95]

Marriage and Family Relations

Reply to Issues Raised in Paragraph 24

Increase implementation of Family Law Act

124. Judiciary as part of their DVRO awareness has brochures to explain and create awareness on the latter. The Judiciary Website has comprehensive information on services provided with requirements. There has been an increased appointment of Commissioner for Oaths (Judiciary), together with increased appointment of JP's by

[94] Footnote 109.
[95] Footnote 109.

Ministry of Justice for implementation of Family Law Act. The Fiji Legal Aid Commission conducts home visitation to vulnerable groups.[96]

Awareness Raising Measures on law and dispute settlement

125. The Registrar/Conciliator of the Family Court can also mediate and resolve Family disputes; there is also an independent Fiji Mediation Centre set-up with accredited mediators who have been actively mediating Family disputes referred to the Centre. The launching of the REACH programme (20 April 2015) in partnership with the United Nations Development Programme using an interagency approach that involves agencies such as the Ministry of Women and Legal Aid that raise awareness on Family Law Decree and also provides one-to-one service on Family Matters and disputes.[97]

Optional Protocol and Amendment to article 20 (1) of the Convention

Reply to issues raised in paragraph 25

Progress towards Optional Protocol Ratification

126. Ratification of CEDAW Optional Protocol is subject to Parliamentary approval.

[96] Footnote 23.
[97] Footnote 24.

References

Asian Development Bank, Fiji Country Gender Assessment, 2015.

Government of Fiji, Section 5, 26, 28, 45 The Constitution of The Republic of the Fiji Islands, 2013.

Government of Fiji, Crimes Act, 2009.

Government of Fiji, Criminal Procedure Act, 2009.

Government of Fiji, Fiji Budget Estimates 2017–2018.

Government of Fiji, Fiji's response to Office of the High Commissioner for Human Rights with regard to the HRC resolution 28/4 on the rights of persons with disabilities.

Government of Fiji, Ministry of Education, Heritage and Culture, CEDAW Consultation and Validation Workshop, Nov 15 2017.

Government of Fiji, Ministry of Employment, Productivity and Industrial Relations.

Government of Fiji, Ministry of Foreign Affairs, CEDAW Correspondence, Nov 2017.

Government of Fiji, Ministry of Health and Medical Services, CEDAW Consultation and Validation Workshop, Nov 15 2017.

Government of Fiji, Ministry of Industry and Trade, CEDAW Correspondence, Nov 2017.

Government of Fiji, Ministry of I'Taukei Affairs, CEDAW Consultation and Validation Workshop, Nov 15, 2017.

Government of Fiji, Ministry of Rural, Maritime and Development, CEDAW Consultation and Validation Workshop, Nov 15 2017.

Government of Fiji, Ministry of Women, Children and Poverty Alleviation, Internal Programme data 2015–2017.

Government of Fiji, Ministry of Women, Children and Poverty Alleviation, National Gender Policy, 2014.

Government of Fiji, Section 75-The Employment Relations Promulgation, 2007.

Government of Fiji, Section 12-The Human Rights Act, 2009.

Government of Fiji, Section 28-Media Act, 2010.

Government of Fiji, Section 2 — Public Order Act (Amendment), 2017.

Government of Fiji, The Office of Solicitor General, CEDAW Correspondence, Nov 2017.

ILO, UNICEF, WHO, UNDP, ICRC, CEDAW Correspondence, Nov 2017.

National Centre for Small and Micro Enterprise Development, CEDAW Correspondence, Nov 2017.

Parliament of the Republic of the Fiji Islands, CEDAW Correspondence, Nov 2017.

Reserve Bank of Fiji, National Financial Inclusion Strategic Plan 2016–2020.

Salanieta Bakalevu, Open Schooling as a Strategy for Second-chance Education in the Pacific: A desk study report, 2011.

Solicitor General's Office, Republic of the Fiji Islands, CEDAW Correspondences, Dec 2017.

South Pacific Business Development, CEDAW Correspondence, Nov 2017.

The Fiji Human Rights and Anti-Discrimination Commission, CEDAW Consultation and Validation Workshop, Nov 15, 2017.

The Fiji Judicial Department CEDAW Consultation and Validation Workshop, Nov 15 2017.

The Fiji Legal Aid Commission, CEDAW Consultation and Validation Workshop, Nov 15 2017.

The Officer of the Director of Public Prosecutions, CEDAW Consultation Correspondence, Nov 20.

The Fiji Police Force, CEDAW Consultation and Validation Workshop, Nov 15 2017.17.

Trafficking in persons, (Source, https://www.state.gov/j/tip/rls/tiprpt/countries/2016/258766.htm2016 Trafficking in Persons Report), 2016.

UNDP and Fiji Parliament Support Project, Scrutinizing legislation from a Gender Perspective: A practical Toolkit, 2017.